



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 27th July, 2001:—

I

BILL NO. III OF 2001

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People (Amendment) Act, 2001.

Short title.

43 of 1951.

2. For section 3 of the Representation of the People Act, 1951, the following shall be substituted, namely:—

Amendment of section 3.

“3. A person shall not be qualified to be chosen to fill a seat in the Council of States unless he is an elector for any Parliamentary constituency in the country.”

Qualification for membership of the Council of States.

STATEMENT OF OBJECTS AND REASONS

A candidate to Rajya Sabha election, as per the Section 3 of the Representation of the People Act, 1951, has to be a voter in the State/Union territory from where he/she seeks election. It has been seen that this provision is openly flouted when a party nominates a person for the Rajya Sabha election, if he/she is not a voter or ordinarily resident of that State. This provision was made because the Members of Rajya Sabha are representatives of that States whose Assembly elects them.

Keeping in view the frequent flouting of this Law and embarrassment caused sometimes to eminent people, it is proposed to remove the restriction of residence and being voter in the concerned State/ UT for candidates seeking Rajya Sabha election and to provide that he/she should be voter in any part of India. This would take care of all the related problems and so long as a member is elected by the concerned Assembly, his credentials as representative of that State would not be undermined at all.

Hence this Bill.

RAJNATH SINGH 'SURYA'.

II**BILL NO. IV OF 2001***A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Act, 2000.

Short title.

45 of 1860.

2. In sub-section (2) of section 376 of the Indian Penal Code:—

Amendment of
section 376.

(1) for the words “ten years” the words “twenty years” shall be substituted; and

(2) the proviso shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Atrocities on women are increasing. It has often been observed that many Government officers, after indulging in acts of eve teasing and other misconduct by taking advantage of their post and official position and also for the lack of evidence too, go scot free from the clutches of Law. An incident is in the news now-a-days in which Chief of Police force of a State is alleged to have raped a girl player. The astonishing fact is that the said officer became Chief of State Police after that incident.

At present, there is a provision of a sentence of ten years for such offences. Purpose of this Bill is to make the sentence more rigorous by amending the Indian Penal Code.

Hence this Bill.

RAJNATH SINGH 'SURYA'.

III**BILL NO. XII OF 2001**

A Bill to provide for the incentives, to be given to the couples opting for small family or two child norm through sterilization, by the Central and State Governments and disincentives for those who do not opt for small family norm and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Family Welfare and Control of Population Act, 2001. Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "Fund" means National Population Control Fund established under Section 7;

(c) "prescribed" means prescribed by rules made under this Act.

Central Government to promote one child norm through Publicity.

Incentives for opting family planning.

3. The Central Government shall, through the electronic and print media, non-Governmental organizations, theatre groups and village health guides, promote and popularize one child norm vigorously so as to check the ever increasing population of the country.

4. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall provide to a married couple,—

(a) who opt to remain childless throughout their lives the following incentives, namely:—

(i) a dwelling unit, free of cost;

(ii) one time out of turn promotion, if in Government service;

(iii) one time cash reward of rupee fifty thousand, if not in Government service;

(iv) free medical facilities, pension etc. for old age.

(b) who opts for one child norm the following incentives, namely:—

(i) a dwelling unit on concessional rates, as may be prescribed;

(ii) free education including technical education to the child, free of the cost;

(iii) one time out of turn promotion to Government Servant and a cash reward of rupees Twenty Five Thousand to those not in Government service.

Provided that if the child is a girl child the couple shall be given a cash reward of not less than rupees one lakh in fixed deposits for a period of twenty years.

(iv) employment to the child after completing education.

(c) who have two children and opt for family planning by way of sterilization thereafter shall be given the following incentives, namely:—

(i) dwelling unit at concessional rates, as may be prescribed;

(ii) free education to both the children;

(iii) two advance increments in a grade to Government servant and one time cash award of rupees twenty five thousand for others.

Disincentives and penalty.

5. (1) Any married couple who procreates more than two children and thereby violates the provisions of this Act, shall,—

(a) be debarred from availing the facilities of public distribution system;

(b) not be given medical facilities available free of cost to citizens;

(c) not be given the facility of free education to their children;

(d) be debarred from availing loan facilities from Banks and financial institutions;

(e) be debarred from availing such other facilities, as may be prescribed.

(2) Any married couple who procreates more than three children, notwithstanding anything contained in the Indian Penal Code or any other law for the time being in force, shall on conviction by a court of law be punished with imprisonment for a term which may extend to one year or a fine of not less than twenty five thousand rupees or with both.

6. (1) Notwithstanding anything contained in the Fundamental Rules or Conduct Rule or any other law for the time being in force, every Government employee, after the commencement of this Act, shall observe one child norm and give an undertaking in writing to his appointing authority that he shall not procreate more than two children.

Small family norms for Government employees.

(2) Any Government employee who contravenes the provisions of Sub-section (1) shall be terminated with immediate effect.

7. (1) The appropriate Government shall, as soon as may be, but within six months of the commencement of this Act, establish a Population Control Fund consisting of:—

Establishment of Population Control Fund.

(a) sums paid to the funds by the appropriate Government after due appropriation made by Law.

(b) donations received from Corporate Bodies, other Bodies, other bodies and general public.

8. The Fund shall be utilized for the following purposes, namely:—

Utilization of the Fund.

(a) wide publicity through print and electronic media, NGOs, theatre groups, Village Health Guides etc. regarding dire need for population control;

(b) providing funds to popularize the family welfare programmes;

(c) such other purposes as may be prescribed.

9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law or in any instrument having effect by virtue of any other law, or in any other law, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in any part of the country.

Over-riding effect of the Act.

10. The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Since independence our population has grown leaps and bounds and has already crossed one billion mark. Today we are the second highest populous country after China. This tremendous increase in population has resulted in many socio-economic problems like shortage of housing, educational facilities, food and potable water, civic amenities, unemployment, environmental degradation, health facilities, transport facilities, etc. The overcrowding is also resulting in law and order situation and also widening the gap between the haves and have nots and it is consistently creating explosive situation. In fact there is no balance between the population growth and the infrastructure and available opportunities.

If the present trend of population growth continues it will not be possible for us to tackle these problems effectively as they will be beyond our control. So if we have to survive we have to go for population control. Therefore the time has come when stringent measures to control the population growth have to be initiated on warfootings otherwise our future generations will certainly not forgive us for this fatal lapse. It has not become necessary to give incentives to those who opt for family planning and disincentives and even prison to those contributing excessively to population explosion.

Hence this Bill.

K.B. KRISHNAMURTHY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for publicity by Central Government to promote one child norm in the country. Clause 4 provides for various incentives for adopting family planning. Clause 7 provides for the establishment of Population Control Fund. The Bill if enacted will involve expenditure from the Consolidated Fund of India and it is estimated that rupees one thousand crore will involve as recurring expenditure per annum.

A non-recurring expenditure of rupees two hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of Legislative power is of normal character.

IV

BILL No. XI OF 2001

A Bill to prevent the abuse of girl child by providing deterrent punishment for forcing the girl child into prostitution and for immoral traffic of a girl child or procuring a girl child for prostitution or dedicating a girl child as devdasi which ultimately forces her into prostitution and for the rehabilitation of such girl child and other welfare measures to be initiated by Central and State Governments and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Prevention of Abuse of Girl Child Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State the Government of that State and in other cases the Central Government;

(b) “devdasi” means a girl child who is dedicated to an idol of god or goddess or a temple for its services;

(c) “girl child” means a female human who is below the age of fifteen years;

(d) “prescribed” means prescribed by rules made under this Act;

(e) words and expressions used but not defined in this Act but defined in the Indian Penal Code or the Immoral Traffic (Prevention) Act, 1956 shall have the meaning respectively assigned to them in those Acts. 45 of 1860.

45 of 1860.
104 of 1956.

3. Notwithstanding anything contained in the Indian Penal Code or the Immoral Traffic (Prevention) Act, 1956 or any other law for the time being in force, whoever—

Punishment
for abuse of
girl child.

(a) abets or induces a girl child to prostitution, notwithstanding the relation of such girl child with the accused, shall be punished with imprisonment which shall not be less than three years but may extend to seven years and with fine which may extend to twenty five thousand rupees;

(b) forces a girl child to prostitution, notwithstanding the relation of such girl child with the accused, shall be punished with death;

(c) indulges in the immoral traffic of a girl child or for any unlawful or immoral purpose shall be punishable with imprisonment which may extend to ten years and also with fine which may extend to one lakh rupees;

(d) hires or otherwise obtains possession of a girl child prostitute for promiscuous sexual intercourse with her shall be punished with life imprisonment and also with fine which may extend to one lakh rupees.

4. The dedication or offering a girl child as a *devdasi* or *bhavin* is hereby prohibited.

Prohibition of
offering a girl
child as a
devdasi.

5. Whoever contravenes the provision of Section 4, notwithstanding that the person is a natural guardian of the girl child or the priest or *purohit* by whatever name called who performed the rituals of such dedication or offering shall be punishable with rigorous imprisonment which shall not be less than five years but which may extend to ten years and with fine which may extend to twenty five thousand rupees.

Penalty.

6. The appropriate Government shall establish such number of Special Courts as it may deem necessary for the purposes of this Act for the quick disposal of cases under this Act.

Appropriate
Government to
establish
special courts.

2 of 1974.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 the offences under this Act shall be cognizable and non-bailable.

Offences to be
cognizable
and non-
bailable.

8. The appropriate Government shall set up such number of special cells in the police department as necessary for investigation.

Appropriate
Government to
set up special
cells.

9. The appropriate Government shall formulate rehabilitation and other welfare measures for such girl child prostitutes who may be rescued from the profession or who may be rendered out of profession after the commencement of this Act and these measures shall include free medical care, shelter, free education including vocational education and such other facilities as may be prescribed.

Appropriate
Government to
formulate
rehabilitation
and welfare
measures for
girl child
prostitutes.

10. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds from time to time, for the purposes of this Act.

Central
Government to
provide funds.

11. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time applicable to the subject matter of this Act.

Overriding
effect of the
Act.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

These days adventure tourism is gaining popularity throughout the world in which child prostitution is also gaining momentum particularly in Asian, African and third world countries. The reason is very simple—the girl child prostitutes are preferred by the tourists who indulge in promiscuous sex for fun and enjoyment and thereby these hapless child prostitutes fetch more money from the rich and neo rich prospective clients. The greed for more and more money is forcing more and more adolescent girls into prostitution by professional pimps, anti-social elements, organized criminal gangs, brothel keepers and call girl rackets, hoteliers, tour operators and in many cases unfortunately even by their natural guardians. In majority of the cases the innocent girls are lured into the flesh trade on one pretext or the other promising them a decent, comfortable and lavish lifestyle apart from fun and enjoyment. In many cases the girls are kidnapped and forced into prostitution and similarly girls are procured from the unsuspecting poor parents and forced into the profession. Print media frequently reports about procuring innocent girls from the neighbouring countries by the anti-social elements for this purpose. Sometimes the customary rituals play havoc in the lives of innocent girls. For instance in some parts of our country the young girls are dedicated and offered as devdasis to subsist on prostitution.

Now with the spread of deadly AIDS the lives of girl child prostitutes have become vulnerable and are in constant danger as there is no cure for AIDS. They are also victims of other sexually transmitted diseases. Apart from the dreaded diseases the hapless girls are tortured ruthlessly to transform them as professional prostitutes. In such an alarming situation the time has come when the Central and State Governments have to take effective steps to control this dangerous menace by coming heavily on the defaulters and providing deterrent punishment. It is felt that for those who force a girl child into prostitution capital punishment is the only alternative for deterrence. Similarly deterrent punishment is also necessary for those who abet, lure or coerce a girl child for immoral trafficking and also for those who hire a girl child prostitute and who offer them as devdasis in temples irrespective of their relation with the girl child or prevalent customs. Then only the hapless and innocent girls can be saved not only from the cruel profession of prostitution but also from AIDS and sexually transmitted diseases.

Hence this Bill.

K. B. KRISHNAMURTHY

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that the appropriate Government to establish special courts. Clause 10 provides that Central Government will provide funds for the implementation of the Bill. The Bill, if enacted and brought into force, will involve expenditure from the Consolidated Fund of India to the tune of one hundred crore rupee per annum as recurring expenditure.

A sum of rupees one hundred crores may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

V

BILL No. XIII OF 2001

A Bill to provide for the prevention of hoarding and profiteering in essential commodities of daily use of citizens particularly of commonman in the country and for matters connected therewith.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Prevention of Hoarding and Profiteering Act, 2001.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “dealer” means any person partnership or firm carrying on the business of purchasing and selling any of the articles specified in the Schedule to this Act and includes a producer, importer, wholesaler or retailer of such article;

(b) “hoarding” means accumulating essential goods or stocks intended for sale to consumers with a view to cornering such goods so as to create their artificial scarcity and to raise their selling prices thereafter;

(c) “importer” means any person who brings in any of the scheduled articles into the State where he carries on his business from any other place outside the State for sale purposes in the State;

(d) “prescribed” means prescribed by rules made under this Act;

(e) "profiteering" with its grammatical variations and cognate expressions means the sale by a dealer of any scheduled article at a price or rate higher than the rates fixed under section 4 of this Act;

(f) "retailer" means a person who sells any scheduled article to a consumer not being a dealer;

(g) "scheduled article" means any of the articles specified in the Scheduled to this Act;

(h) "wholesaler" means a person, partnership or firm who sells any scheduled article to any dealer and includes a broker, commission agent or any other agent having authority to sell any scheduled article belonging to his principal.

3. Hoarding of and profiteering in the scheduled articles is hereby prohibited.

Prohibition of hoarding and profiteering of scheduled articles.

4. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, by notification in the Official Gazette, fix the maximum rates or prices in respect of the scheduled articles which may be charged by a dealer or retailer in respect of such articles from the consumers;

Central Government to fix maximum prices for sale of scheduled articles.

Provided that different prices may be fixed for different zones or States in the Country.

5. (1) Whoever profiteers in any scheduled article shall be punishable with rigorous imprisonment which may extend to seven years or with fine amounting to not less than twenty five thousand rupees or with both.

Penalty for hoarding and profiteering.

(2) The scheduled article or articles in respect of which the offence has been committed or any part thereof, as the court may deem fit, shall be forfeited to the Government.

(3) Any person found deliberately hoarding any scheduled article or any other commodity generally required for daily consumption of commonman, shall be punished with rigorous imprisonment which may extend to seven years or with fine amounting to not less than twenty five thousand rupees or with both and the articles so hoarded by such person shall also be confiscated by the Government.

6. (1) Any dealer, retailer or wholesaler, who without reasonable excuse,—

(a) refuses to sell any scheduled article; or

(b) refuses to sell any scheduled article at the price fixed in respect thereof under section 4,

shall be punishable with rigorous imprisonment which may extend to five years or with the fine amounting to not less than ten thousand rupees or with both.

Penalty for refusal to sell and purchase scheduled articles at fixed price.

(2) Any purchaser or consumer who purchases any scheduled article at a price more than the maximum price fixed thereof under section 4 shall be punishable with rigorous imprisonment which may extend to two years or with fine amounting to not less than two thousand rupees or with both.

7. When any police officer not below the rank of Inspector has reasonable grounds to believe that there has been a contravention of any of the provisions of this Act, such officer may, after recording in writing the grounds of his belief, at all reasonable hours, enter and search, without any warrant, any place where a dealer, retailer or wholesaler keeps, or is for the time being keeping, any scheduled article, accounts registers or any thing, such officer may deem fit and, if necessary, inspect, seize or retain all or any of them for so long as they may be required for further investigation into any offence under this Act.

Power to search and seize of scheduled articles.

Cognizance of offence and arrest without warrant.

8. (1) Notwithstanding anything contained in the Code of Criminal Procedure 1973, all offences punishable under this Act shall be cognizable. 2 of 1974.

(2) Any Police officer not below the rank of a sub-inspector may arrest without warrant any person against whom a reasonable complaint has been made or credible information has been received of his having been concerned in any of the offences punishable under this Act.

Power to add any other article to the Schedule.

9. The Central Government may, by notification in the Official Gazette, add to the Schedule any other article of daily use, and thereupon the schedule shall be deemed to have been amended accordingly and the article so added shall be deemed to be the scheduled article within the meaning of this Act.

Effect of Orders inconsistent with the provisions of the Essential Commodities Act, 1955 or orders made there under.

10. If any order controlling the price of any essential commodity within the meaning of the Essential Commodities Act, 1955, has been made before or after the commencement of this Act and if such essential commodity is also a scheduled article within the meaning of this Act, that order shall have effect notwithstanding anything inconsistent therewith contained in this Act, or any order made thereunder. 10 of 1955.

Power to make rules.

11. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

THE SCHEDULE
[See Section 2 (f) and 9]

1. Wheat and Wheat products.
2. Rice and Rice in the husk.
3. Pulses.
4. Spices.
5. Edible oils including *Vanaspati*.
6. Sugar.
7. Baby Food.
8. Paper and Paper products.
9. Drugs and Medicines.
10. Skimmed Milk Powder.
11. Kerosene oil.
12. *Janta* Cloth.

STATEMENT OF OBJECTS AND REASONS

These days the commonman is in the grip of steep rise in the prices of essential commodities required for his daily use. The prices are rising so menacingly that it has become impossible for the commonman to have two time meals. The worst sufferers are daily wages workers, rickshaw pullers, hawkers, domestic workers and others doing petty jobs. For the Common housewives managing of thier monthly budget is becoming next to impossible. The situation is further aggravated when the essential commodities are not available in the market despite good harvests in the country. This is because some unscrupulous traders, brokers and middlemen resort to hoarding of essential commodities to create artificial scarcity and thereafter indulge in profiteering in these items for their own vested interests. As a result hoarding and profiteering in foodgrains, medicines and several other commodities which are essential to the daily life of the citizens have become common these days which is adversely affecting the commonman and the country as a whole. But in the absense of deterrent punsihment under a specified Act these offences, these cases are increasing. Therefore, to curb this menace it is felt that severe deterrent punishment should be prescribed for these offences.

This Bill seeks to achieve the above objects.

SURESH PACHOURI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. It will relate to matters of details only. The delegation of legislative power is of normal character.

VI

BILL NO. XIV OF 2001

A Bill to provide for the rehabilitation and financial assistance to the victims of natural calamities such as floods, droughts, cyclones, hailstorms and earthquakes and for matters connected therewith.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Victims of Natural Calamities (Rehabilitation and Financial Assistance) Act, 2001.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Commissioner" means the Commissioner appointed under Section 9;

(b) "Government" means the Central Government;

(c) "natural calamity" includes drought, flood, cyclone, hailstorm, landslide, earthquake or any such eventuality caused by nature;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "victim" means any person who is affected bodily or whose property, livestock, crop, orchard, field or machine and tools have been affected or damaged by any natural calamity.

Financial assistance in case of death.

3. If any person loses his life due to any natural calamity, the Government shall, on an application made in the prescribed form by his surviving next of kin, pay a minimum sum of rupees one lakh as financial assistance to such next of kin of the victim.

Financial relief and medical aid in case of injury.

4. (1) If any person is injured due to any natural calamity, the Government shall give him such financial relief as may be prescribed according to the nature of injury received by him.

(2) In addition to the financial relief referred to in sub-section (1) the victim shall also receive adequate medical aid from the Government for such period as may be prescribed.

Financial assistance for damage to crops.

5. Every person whose standing crops are damaged due to any natural calamity shall, on an application made in the prescribed form, be given adequate financial assistance by the Government in proportion to the loss caused to the crop by the natural calamity.

Provision of housing in case of destruction of house and other immovable properties.

6. (1) The Government shall provide to every family, whose House has been destroyed by natural calamity, a dwelling house preferably at the same place.

(2) If damage has been caused by natural calamity to cultivable or other land of any person the Government shall provide alternative land site to such person within a reasonable distance from his residence.

Financial assistance for loss of livestock.

7. Every person losing his livestock due to natural calamity shall, on an application made on the prescribed form, be paid adequate financial assistance by the Government.

Job for the dependent of person killed in natural calamity.

8. The Government or the Government of a State or Union Territory Administration, in whose territorial jurisdiction any person loses his life due to a natural calamity, shall provide a suitable job to one of the eligible dependents of the persons killed in the natural calamity.

Commissioner to settle claims and disburse financial assistance.

9. The Government shall, as soon as may be, appoint a Commissioner with such other staff as may be necessary for settling the claims and disbursing the financial assistance to the victims of natural calamity under this Act:

Provided that the financial assistance shall be disbursed, as soon as may be, but not later than three months of the occurrence of the natural calamity.

Savings.

10. The provisions of this Act shall be addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to remove difficulties.

11. If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of such difficulty.

Power to make rules.

12. The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our country is prone to various natural calamities such as floods, droughts, storms, hailstorms, cyclones and earthquakes resulting in extensive damage to life and property. Floods are an annual occurrence in Assam, Bihar, U.P., Madhya Pradesh, West Bengal, Tripura and other parts of the country. Droughts are very common and frequent throughout the country. Cyclones cause havoc in the coastal areas whereas storms and hailstorms are very frequent in hilly areas as well as in the nearby plains. Now the earthquakes have also started worrying the nation. The havoc caused by the October 1991 earthquake in the hills of U.P. is fresh in our memory. We have also not forgotten the extensive damage caused by earthquake in the State of Bihar in the year 1988. As such the natural calamities are some of the causes of our backwardness. It is so because extensive damage is caused by them to standing crops, livestock, cultivable lands, roads, bridges, houses and other property apart from taking away precious human lives. The nation has to divert its resources towards rescue and rehabilitation processes and on repairs and construction of the roads, bridges, fields, buildings etc. which put a heavy burden on the exchequer. Fortunately the entire nation rises to face such calamities but the loss caused thereby can never be recovered by any means.

Of course, we cannot stop the occurrence of natural calamities but certainly with our combined efforts we can minimise the miseries of the victims of such natural calamities by providing them with timely financial relief and extending the rehabilitation programmes to them. As usual, the Central Government has to play the main role in this process. At present there is no law which gives automatic relief to the victims of natural calamities. The States remain dependent on Centre for providing relief to the victims. Sometimes delay is caused in rushing relief due to procedural wrangles. Hence it is felt that statutory provision should be made to help the victims of natural calamities instantly. An attempt has been made in this Bill to provide for giving instant relief to the victims of natural calamities.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for financial assistance of one lakh to the next of kin of a person who dies in any natural calamity. Clause 4 provides for medical aid to the victims. Clause 5 provides for financial assistance for damage to standing crops. Similarly clauses 6 and 7 provide for dwelling units and financial assistance for loss of livestock respectively. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. As the natural calamities cannot be predicted, the recurring expenditure that would be involved cannot be calculated, at this stage. But it is estimated that an expenditure of rupees five hundred crores per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees fifty lakhs would also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As such the matter will relate to details only. The delegation of legislative power is of normal character.

VII

BILL No. XV OF 2001

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fifty-second year of the Republic of India as follow:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2001

Short title and
commencement

(2) It shall come into force at once.

2. In article 84 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

Amendment of
article 84

“(b) is, in the case of a seat in the Council of States, not less than twenty five years of age and, in the case of a seat in the House of the People, not less than twenty one years of age; and”

3. In article 173 of the Constitution, for clause (b) the following clause shall be substituted, namely:—

Amendment of
article 173

“(b) is, in the case of a seat in the Legislative Assembly, not less than twenty one years of age and, in the case of a seat in the Legislative Council, not less than twenty five years of age; and”

STATEMENT OF OBJECTS AND REASONS

In the year 1988 the Government under the dynamic Prime Ministership of late Shri Rajiv Gandhi took a historic decision to lower the voting age of citizens from twenty one years to eighteen years which proved as a milestone in the annals of Parliamentary democracy in our country. Accordingly in the month of December 1988, Parliament unanimously passed the Constitution (Sixty-first Amendment) Bill, 1988 to give effect to the historic decision of the Government of the day. This was a step of momentous importance as it enabled millions of our youth to directly participate in the democratic process of choosing their own Government. The youth of the country has also shown their maturity in the recently held general elections, mid-term election and by-elections in this regard. This maturity qualifies the youth to become the representatives of the people as well. It is, therefore, equally important to reduce the qualifying age to become legislators. In fact it could have been reduced simultaneously while passing the Constitution (Sixty-first Amendment) Bill, 1988 but still it is better late than never.

Hence it is proposed to reduce the minimum age to become a member of Lok Sabha and Legislative Assembly from the existing 25 years to 21 years and to become a Member of Rajya Sabha and Legislative Council from the existing 30 years to 25 years. This will enable our youth to directly participate in the governance of the country.

Hence this Bill.

SURESH PACHOURI

VIII

BILL NO. XVIII OF 2001

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2001.

Short title.

2. In article 80 of the Constitution, for clause (4), the following clause shall be substituted, namely:—

Amendment of
article 80.

“(4). The representatives of each State in the Council of States shall be elected in the following manner, namely:—

(a) each party shall nominate its representatives according to its numerical strength in the Legislative Assembly concerned in proportion to total number of seats allocated to that State in the Council of States;

(b) in case of any unfilled seat or seats remaining after nomination in accordance with clause (a) in respect of that State, the representatives to fill the unfilled seat shall be elected by elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of single transferable vote.”

STATEMENT OF OBJECTS AND REASONS

In recent times we have witnessed a growing and alarming trend of 'money power' playing a decisive role in the elections to Rajya Sabha. Although we term it as an 'election', in fact each party, 'selects', its representative to the Rajya Sabha, based on its numerical strength in the respective State Assemblies.

Due to the money power, often the official candidate of the party is either defeated or not elected in the first or second round as expected.

Thus a person who owes no allegiance to a party's political philosophy gets elected to Rajya Sabha, to the detriment of the interests of a political party and its strength and thus its political ideology in the Rajya Sabha.

With a view to curb this trend, it is suggested that—

(a) Based on its required numerical strength in the assembly, a party should be entitled to 'nominate' its representative to the Rajya Sabha.

(b) If after, each party has 'nominated' its representative, if any further seat remains unfilled, then an open voting election may take place, based on party's direction on voting. This will prevent cross voting and ensure once again, the election of the desired candidate.

The amendments are required urgently in view of forthcoming elections in April, 2002.

Hence this Bill.

SATISH PRADHAN

IX

BILL NO. XIX OF 2001

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2001.

Short title.

2. After article 75 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 75A.
Provision as to confidence in the Council of Ministers.

“75A. Notwithstanding anything in articles 74 and 75—

(1) The House of the People shall express its lack of confidence in the Prime Minister and his Council of Ministers only by electing his successor through a composite motion supported by a majority of the total members of the House and presenting an address to that effect to the President, who shall then appoint the person so elected as the new Prime Minister.

(2) In the event of failure of the Council of Ministers to secure, or retain the confidence of the House of the People, and if the House is not able to elect a person to be appointed as the new Prime Minister in accordance with the provisions laid down in clause (1), the President shall, upon the advice of the Council of Ministers, prorogue the House and suspend the operation of any provision of the Constitution relating to the House of the people for a period which shall not exceed four months.

(3) Before the expiry of the period of four months as referred to in clause (2), the President shall summon the House to reconsider the composite motion with or without modification, and if the House is not able to express its confidence in the Council of Ministers, or elect a person to be appointed as the new Prime Minister, the President shall dissolve the House of the People."

Amendment of
article 85.

3. In article 85 of the Constitution, in clause (2), the following proviso shall be added at the end, namely:—

"Provided that the power under sub-clause (b) shall be exercised subject to the provision of article 75A."

Insertion of
new article
164A.

4. After article 164 of the Constitution, the following article shall be inserted, namely:—

Provision as to
confidence in
the Council of
Ministers.

"164A. Notwithstanding anything in articles 163 and 164—

(1) The Legislative Assembly shall express its lack of confidence in the Chief Minister and his Council of Ministers only by electing his successor through a composite motion supported by a majority of the total members of the Assembly and presenting an address to that effect to the Governor who shall then appoint the person so elected as the new Chief Minister.

(2) In the event of the failure of the Council of Ministers to secure, or retain the confidence of the Legislative Assembly, and if the Assembly is not able to elect a person to be appointed as the new Chief Minister in accordance with the provisions laid down in clause (1), the Governor shall, upon the advice of the Council of Ministers, prorogue the Assembly and recommend to the President to suspend the operation of any provision of the Constitution relating to the Legislative Assembly for a period which shall not exceed four months.

(3) Before the expiry of the period of four months as referred to in clause (2), the Governor shall summon the Assembly to reconsider the composite motion with or without modification, and if the Assembly is not able to express its confidence in the Council of Ministers, or elect a person to be appointed as the new Chief Minister, the Governor shall dissolve the Legislative Assembly."

Amendment of
article 174.

5. In article 174 of the Constitution, in clause (2), the following proviso shall be added at the end, namely:—

"Provided that the power under sub-clause (b) shall be exercised subject to the provisions of article 164A."

STATEMENT OF OBJECTS AND REASONS

The Indian Political system has come under increasing stress due to fractured polity and multiplicity of political parties. During the last five General Elections since 1989, no single political party could secure majority in the House of the People. This period was marked by a succession of eight coalition or minority governments resulting in frequent elections. This had a destabilising effect on the national psyche and our socio-economic system. A question mark has also arisen on the credibility of the present constitutional framework.

The Government has already decided to constitute a panel to review the Constitution to cope with emerging trends in Indian polity. A new dispensation is needed to impart stability and efficacy to our polity.

Even within the existing constitutional framework, a provision is needed to assign a direct and effective role to the House of the People and the Legislative Assemblies in electing an alternative Government when the Council of Ministers fails to secure, or retain the confidence of the House/Assembly. Such a provision will accord priority and activate the role of the House of the People and the Legislative Assembly and eliminate the vice of backroom political manoeuvres. Moreover, in that case, the dissolution of the House/Assembly shall become the last resort and occur only when there is insuperable constitutional impasse.

The most salient aspect of the Bill is a provision for cooling off period and reconsideration of the composite motion before the hammer would fall leading to the inevitable dissolution of the House/Assembly.

This Bill seeks to achieve the above objectives by insertion of two new articles 75A and 164A in the Constitution.

SATISH PRADHAN

X

BILL NO. XXXIV OF 2001

A Bill to set up a Commission to identify and deport illegal immigrants in the country.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title,
extent and
Commencement.

1. (1) This Act may be called the Illegal Immigrants (Identification and Deportation) Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definition.

2. In this Act 'illegal immigrant' means any person who comes to India without any proper and valid document issued by the designated Authority of the Government of India.

National
Commission
for
identification
and deporting
illegal
immigrants.

3. The Central Government shall set up a Commission to be known as the National Commission for identification and deporting illegal immigrants (hereinafter to be known as National Commission).

4. (1) The National Commission shall consist of:—

(i) a Chairman who shall be a retired Judge of the Supreme Court to be appointed by the President of India; and

(ii) two other members to be appointed by the President of India.

(2) The Chairman and other members shall hold office for a term of five years and shall be entitled to such salaries and allowances as may be determined by the Central Government.

5. The Central Government shall also set up a 'State Commission' for a State or a group of States for identification and deportation of illegal immigrants.

State
Commission

6. (1) Every State Commission shall consist of:

Appointment,
term and
salary of
Chairman and
other members
of State
Commission.

(i) a Chairman who shall be a retired Judge of High Court; and

(ii) four other members.

(2) The Chairman and other members of the State Commission shall be appointed by the Central Government in consultation with the Chairman of the National Commission.

(3) The Chairman and the other members shall hold office for a term of five years and shall be entitled to such salaries and allowances as may be determined by the Central Government.

7. Every State Commission shall perform the following functions, namely:—

Duties of the
State
Commission.

(i) to carry out necessary exercise to identify illegal immigrants and their nationality in their respective area;

(ii) to prepare and send list of all illegal immigrants in their respective area to the District Administration.

8. The National Commission and every State Commission shall exercise the powers of a civil court in regard to discharge of its functions.

Powers of the
Commission

9. The Commission shall direct the respective State Government to:—

Commission to
direct the State
Government.

(i) stop all assistance enjoyed by the illegal immigrants immediately;

(ii) impound the ration card in the possession of illegal immigrants;

(iii) terminate the services of illegal immigrants, in case such immigrants are employed in any public sector and inform persons concerned in case they are employed in private sector;

(iv) take such necessary action to recover loans borrowed by illegal immigrants;

(v) facilitate speedy hearing of cases against illegal immigrants; and

(vi) take immediate action for deporting them to the countries of their origin.

10. The State Government shall take such action as directed by the National Commission within three months.

State Govern-
ment to take
action on
direction of the
Commission.

11. (i) Any person, who has any complaint against a decision of any State Commission, shall be entitled to represent to the National Commission, who shall hear the same and dispose of it within one month.

Representation
to the National
Commission.

(ii) Every applicant, who represents to the National Commission under clause (i), shall be given an opportunity of being heard before disposing of such application by the National Commission.

No inconvenience to be caused to bona fide citizens.

12. The State Commission and the district administration shall ensure that no inconvenience is caused to any bona fide citizen of the country during the enforcement of the provisions of this Act.

Repeal of Act 39 of 1983.

13. The Illegal Migrants (Determination by Tribunals) Act, 1983 (39 of 1983) is hereby repealed.

Power to make rules.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

In our country, there are lakhs of illegal immigrants who have come from many countries. Our country is poor and cannot afford to feed the immigrants. There have been complaints that these people indulge in criminal activities. They take the share of benefits which would have been otherwise available to bona fide citizens. They harass the genuine citizens and usurp their rights. One Central Act namely the Illegal Migrants (Determination by Tribunals) Act, 1983 is there but it has proved to be ineffective.

It is, therefore, proposed to set up a Commission to identify and deport illegal immigrants to the countries of their origin. Due care will be taken not to harass bona fide citizens by repealing the existing Central Act.

Hence this Bill.

NEW DELHI;
February 19, 2001.

SATISH PRADHAN

FINANCIAL MEMORANDUM

clause 3 of the Bill provides for setting up of the National Commission for identification and deporting of illegal immigrants from the country. Clause 4 provides for salaries and allowances payable to the Chairman and other members of the Commission. Clause 5 provides for setting up of State Commission for a State or a group of States and clause 6 provide for salaries and allowances payable to the Chairman and other members of State Commission.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about one crore per annum.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules relate to matters of detail only, the delegation of legislative power is of a normal character.

XI**BILL NO. XX OF 2001**

A Bill to provide for conversion of the entire loan amount given by the public financial institutions to the companies into equity share capital to give powers to the financial institutions to exercise control over the companies taking loan from them and matters connected therewith.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Public Financial Institutions (Conversion of Loans to Companies into Equity Share Capital) Act, 2001.

Short title and
commence-
ment.

(2) It shall come into force at once.

2. In this Act unless the context otherwise requires,—

Definitions.

(a) "company" means a company formed, incorporated and registered under the Companies Act, 1956;

(b) "public financial institutions" means the financial institutions specified in section 4A of the Companies Act, 1956.

1 of 1956

Conversion of
loan amount of
companies into
equity share
capital in cer-
tain cases.
Savings.

3. Notwithstanding anything contained in the Companies Act or in any other law for the time being in force, the entire amount of loan given by any public financial institution to any company shall be deemed to have been converted into equity share capital of the Company if the loan so advanced exceeds fifty per cent. of the total equity capital of the Company.

4. The provisions of this Act shall be in addition to and not in derogation of the provisions of the Companies Act, 1956.

STATEMENT OF OBJECTS AND REASONS

In our country almost all the Companies, big or small, mainly exist on loans taken from the Public Financial Institutions such as the Industrial Credit and Investment Corporation of India, Industrial Finance Corporation of India, Industrial Development Bank of India, Life Insurance Corporation of India and Unit Trust of India. Apart from taking loans from the Public Financial Institutions the Companies particularly owned by big industrial houses take huge loans from the Banking sector also. In most of the cases the loan amount exceeds more than fifty per cent. of the total capital of the companies. Thus the moneys are *de facto* invested in such companies by the public financial institutions and Banks but all the benefits derived therefrom accrue to the owners of these companies and industrial houses. As a result, the industrialists and business houses in our country are prospering on the money of Public Financial Institutions and Banks. It has also been the practice with the industrial sector that after taking huge loans the companies do not bother to return the money and the interest accrued thereon and often resort to creating legal hurdles deliberately in the recovery process initiated by such Public Financial Institutions. As a result, huge public funds are lying blocked with the companies in the private sector. Some times it happens with the connivance of the greedy elements in the public financial institutions but in most of the cases the companies default deliberately. It has also been noticed that after taking, loans the companies declare themselves sick and force the Government to take them over and the Government has to write-off the loans and also pay compensation to the owners of the companies. Such cases are clear instances of frauds committed by the owners of the companies but unfortunately these frauds are legalised in one way or the other.

If it is made mandatory that where the loan amount is more than 50 per cent. of the total equity capital of company, the entire loan should be converted into equity share capital of the company held by the Public Financial Institution advancing the loan to the company so that the Institution can have a strong say in the affairs of the company for taking due care of the repayment of loans with interest in the national interest. Moreover, in such circumstances, the owners will also not be in a position to cripple the company deliberately and declare it sick. It will put a check on the financial management of the Company.

This Bill seeks to achieve the above objects.

S. S. AHLUWALIA

XII

BILL NO. XXI OF 2001

A Bill to provide for compulsory publication of retail sale price alongwith the advertisement of the consumer goods and for matters connected therewith.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Consumer Goods (Publication of Price with Advertisement) Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “advertised product” includes all products and services which for sale are published or printed in newspaper, magazines or in any other form, broadcast or telecast through radio or television or through any other media or through verbal announcement made in the public in this regard;

(b) “Consumer goods” include all raw materials, agricultural commodities, finished goods of any kind or any other article and services intended for sale;

(c) “price” means the actual retail sale price of the product;

3. Notwithstanding anything contained in any other law for the time being in force, it shall be mandatory for an advertiser of any product or consumer goods to publish simultaneously the price of the product which is intended to be sold in the domestic market and the agency whether owned by Government or any individual or group of individuals advertising such products shall ensure that no such product is advertised without simultaneously publishing such price.

Publication of the retail sale prices of the consumer goods in advertisement.

4. (1) Whoever contravenes the provisions of section 3 of this Act shall be punished with imprisonment which may extend to two years or with fine which may extend to ten thousand rupees or with both.

Penalties.

(2) If the offence under sub-section (1) is committed by an agency or a company the head of such agency or company by whatever name called, shall be liable to be proceeded against and punished accordingly.

STATEMENT OF OBJECTS AND REASONS

Consumer movement at present is picking up its tempo in our country. Though slowly, it has forced the Government to bring forward legislations to protect the consumers and accordingly Parliament enacted the Consumer Protection Act, 1986. Simultaneously a number of other enactments dealing with consumer interest were amended to protect the rights and interests of the consumers. But still there are some shortcomings in the Consumer Protection Laws. One such shortcoming is the non-publication of retail sale price of various consumer goods alongwith their advertisements. It is a well known trade practice that publicity of a product is a must for capturing the market and to boost its sale. This publicity is done through advertisements in Radio, T.V. newspapers, magazines, cinema slides, hoardings, posters, announcements in the public through loudspeakers etc. Today radio, TV, newspapers and magazines, etc. are the most popular means of advertisement. The consumers are in fact lured by the advertisements to purchase the particular product but when the consumer goes to the market he finds different rates of the same product in different shops or agencies. The consumer is fleeced to the extent possible and he cannot resist his being fleeced because he does not know the actual sale price of the product. This can be stopped if simultaneous publication of actual sale price of the product alongwith its advertisement is made mandatory by enacting a law in this regard and providing for stiff penalties for violation thereof. This mandatory publication of sale price will protect the consumer from being fleeced by unscrupulous traders but it will also give him opportunity to think twice before deciding to purchase a product according to the money in his pocket. It will save him from the mad rush of shopping without caring for his budget. It will go a long way in the movement of consumer protection.

Hence this Bill.

S. S. AHLUWALIA

XIII**BILL No. XXII OF 2001**

A Bill to provide for the establishment of a Working Journalists Welfare Fund at the national level for promoting welfare of the Journalists employed in various newspaper establishments and for matters connected therewith.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Working Journalists Welfare Fund Act, 2001.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Short title
extent and
commenceme...

2. In this Act unless the context otherwise requires—

Definitions.

(a) “accident” with its grammatical variations and cognate expressions means an unexpected event causing injury, damage to any part of the body or death and includes any fatal disease which is contracted by a working journalist within or outside the working hours;

(b) “competent authority” means any authority authorised by the Government, by notification in the Official Gazette, to perform all or any of the functions of the competent authority as may be specified therein under this Act;

(c) "fund" means the Working Journalists Welfare Fund established under section 3;

(d) "Government" means the Central Government;

(e) "newspaper establishment" means an establishment under the control of any person or body of persons, whether incorporated or not for the production or publication of one or more newspapers, news magazines or for conducting any news agency or news syndicate within the country;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "working journalists" means a person whose principal avocation is that of a journalist and who is employed as such in, or in relation to, any newspaper establishment and includes an editor, a lead writer, news editor, sub-editor, feature writer, copy taster, reporter, correspondent, cartoonist, news-photographer and proof reader working in such establishment.

Establishment
of Working
Journalists
Welfare Fund.

3. With effect from such date as the Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established a Working Journalists Welfare Fund, moneys into which shall be—

(a) given by the Government after due appropriation made by Parliament from time to time;

(b) contributed by a newspaper establishment in such manner as may be prescribed; and

(c) received as voluntary donations from any individual or organisations.

and the said fund shall be managed by a Board of Trustees appointed under section 4.

Board of
Trustees.

4. The Board of Trustees shall have one Chairman, who shall be nominated by the Government and as many other members as are in the operation of the Government required to manage the fund and all such members shall be elected from representatives of organisations representing the working journalists and other newspaper employees in the country.

Application of
Fund.

5. The fund shall be spent by the Board of Trustees to meet the expenditure in connection with measures which in the opinion of the Board of Trustees are necessary or expedient to promote the welfare of the working journalists in the country and in particular for—

(i) providing and improving housing and recreational facilities;

(ii) rendering adequate financial assistance in case of infirmity and disability due to accident or old age;

(iii) rendering adequate financial assistance to the Kith and Kin of a working journalist who dies prematurely due to an accident or otherwise;

(iv) providing school and college education to the dependent children of a working journalist who dies prematurely or becomes infirm or disabled and for the improvement of their standard of living and nutrition;

(v) providing and improving such other welfare measures as may be prescribed from time to time.

6. The provisions of Section 5 shall be carried out under the guidance and supervision of the Board of Trustees who shall constitute regional committees in different parts of the country for the effective implementation of the said provisions.

Regional
Committees.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Savings.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

In a democracy like ours, Press plays a very significant role in its proper functioning. It highlights the shortcomings in the governance of the country which compels the Government to rectify the errors and function properly for the welfare of the people. But journalists play vital role in giving the necessary news and maintaining the press function properly. The journalists collect news undeterred by season, hostile atmosphere and violence. They do not bother for scorching heat, chilly winters and intermittent rains. Be it a bandh, demonstration, communal riot, curfew or even was the journalist gathers the news for his newspaper establishment even if there is a risk to his own life. A photographer of a newspaper establishment covers every important aspect of a news risking his own life. Sometimes the risk becomes a reality and mishaps take place which render the near and dear ones of such journalists totally helpless. The newspaper establishments do provide some relief but that remains inadequate. The entire life style of dependents of such a journalist changes overnight. Some incidents such as the death of a correspondent while covering the demonstrations or the death of correspondents in tragic road accident have highlighted the dangers involved in this profession and the helplessness of their near and dear ones. In some cases money is collected by the colleagues of the deceased to help the dependents but not in every case. In such prevailing circumstances it is felt that a welfare fund for the working journalists should be established in the country in which money be gives by the Central Government and newspaper establishment from time to time and welfare measures should be undertaken therefrom for the working journalists and for their near and dear ones so that the journalists could discharge their duties fearlessly.

Hence this Bill.

S.S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Working Journalists Welfare Fund. Clause 4 provides for a Board of Trustees. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crores is likely to be incurred as recurring expenditure every year.

A non-recurring expenditure of rupees twenty crores is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The delegation of legislative powers is of a normal character, as the matters to be prescribed are of details only.

XIV

BILL No. XXXV OF 2001

A Bill to provide for compulsory voting by the electorate in the country and for matters connected therewith.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Voting Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Compulsory
voting by
electorate.

2. Notwithstanding anything contained in the Representation of the People Act, 1951 or any other law for the time being in force every voter shall exercise his right to vote compulsorily when called for by the Election Commission in an election to Lok Sabha or Legislative Assembly of a State as the case may be:

Provided that a voter may be exempted from exercising his right to vote only when he becomes incapable of voting due to sickness or infirmity and unable to move or he is physically incapacitated from an illness of a serious nature and produces a medical certificate from a registered medical practitioner testifying to such incapacity.

Penalty.

3. whoever intentionally fails to exercise the right to vote shall on conviction by a court of law, be liable to a fine of rupees five hundred or imprisonment for one week or with both.

STATEMENT OF OBJECTS AND REASONS

In a democratic country it is duty of every citizen of India to exercise his right of vote in elections. In many constituencies the number of votes polled in the elections is many a times less than 50%. Several persons deliberately refuse to exercise the franchise. Several villages are boycotting the elections deliberately without any valid reasons. In order to strengthen the democratic process and to make the representatives more accountable, it should be made mandatory for all voters in the voters' list to vote in the election. Exemption is being given to the voters who are physically not able to vote. Failure to vote will lead to penal consequence.

Hence this Bill.

C.P. THIRUNAVUKKARASU

XV

BILL NO. XXXVIII OF 2001

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2001.

Insertion of
new Article
21A.2. After Article 21 of the Constitution, the following article shall be inserted,
namely:—Right to safe
drinking
water.“21A. All citizens shall have right to adequate supply of safe drinking water by the
state.”

STATEMENT OF OBJECTS AND REASONS

Drinking water is a basic necessity for sustaining life. Right to life and other guarantees for the well-being of the citizens enshrined in the Constitution are meaningless for the millions of persons who have no access to safe drinking water. It is necessary that right to safe drinking water is guaranteed and made a fundamental right.

Hence this Bill.

PROF. BHARATI RAY

XVI

BILL No. XLI OF 2001

A Bill to provide for protection of the rights of the street children and matters connected therewith.

BE it enacted by Parliament in Fifty-second year of Republic of India as follows:—

Short title
extent and
commencement.

1. (1) This Act may be called the Street Children (Protection of Rights) Act, 2001.

(2) It shall extend to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “abandoned child” means a child whose parents or guardian have abandoned the child in any circumstance;

(b) “appropriate Government” means in the case of a State, the Govt. of that State and in all other cases, the Central Government;

(c) "child" means any child below the age of 18 years;

(d) "destitute child" means a child having no known parents or guardian responsible for up-bringing, education, training and development of the child;

(e) "convention" means the United Nations Convention on the Rights of the Child, adopted by the U.N. General Assembly in 1989;

(f) "national policy" means the National Policy for the street children as provided under Section 3 of this Act;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "regulatory authority" means a regulatory authority appointed under Section 6;

(i) "street children" means and includes the deprived children with unknown parentage, abandoned and neglected children including destituted children of sex workers.

3. The Central Govt. shall, by notification in the Official Gazette, lay down a National Policy for the street children, in consultation with the National Commission constituted under Section 4, to secure to all street children all the Rights of the Child as contemplated in the Convention.

Central Govt.
to lay out a
National
Policy

4. (1) The Central Government shall, by notification in the Official Gazette, set up a Commission called the National Commission for Street Children.

Establishment
of a National
Commission
for Street
Children.

(2) The National Commission shall consist of—

(a) the Union Minister of Social Justice and Empowerment who shall be the *ex-officio* Chairman of the National Commission;

(b) the Secretary to the Union Ministry of Social Justice and Empowerment who shall be the *ex-officio* Secretary of the National Commission;

(c) the Union Ministers of Health and Family Welfare, Labour and Finance;

(d) the Deputy Chairman of the Planning Commission and the Chairman of the Central Social Welfare Board who shall be the *ex-officio* members of the National Commission;

(e) three Members of Parliament, two from the Lok Sabha and one from the Rajya Sabha who shall be elected by the respective House of Parliament for a period of one year;

(f) five other members to be appointed by the Central Govt. in the manner as may be prescribed;

5. The National Commission shall perform all or any of the following functions:—

Functions of
the
Commission.

(a) to evolve a National Policy as provided under Section 3 of this Act for securing to the Street Children the Rights of the Child as contemplated under the Convention; and to prevent violation of such rights, by recourse to the provisions of Juvenile Justice Act, 1985; and any other means as may be prescribed.

(b) to lay down schemes and programmes for achieving the objectives set out in clause (a).

(c) to create and generate funds for financing the schemes made under this Act, at the National level.

(d) to evolve and float health insurance and education training and development assurance schemes for such children;

(e) to promote schemes and programmes for emancipation of children from the clutches of organised beggars' gangs and those found engaged in bonded labour and working in hazardous industries, mines and engaged in hazardous jobs including sex-workers and to rehabilitate them through education, training and providing for their due maintenance, care and security against exploitation and health hazards, through proper institutions like child-care homes, including those set up under Juvenile Justice Act and Non-Government Philanthropic Organisations.

(f) to promote schemes to ensure that children apprehended for loitering and minor offences and others apprehended for juvenile delinquency are not lodged in jails nor detained in lock-ups, for want of sureties, as undertrials and otherwise; and for this purpose to make a review from time to time, of the provisions of the Indian Penal Code and the Criminal Procedure code and relevant rules and operation thereof, to ensure expeditious trial of juvenile undertrials and to recommend amendments and modifications thereto; and

(g) to lay down norms, rules and regulations for recognition and registration of the voluntary organisations, and trusts engaged in welfare, maintenance, and care of the street children.

Appointment
of a Regulatory
Authority

6. (1) The Appropriate Government shall by notification in the Official Gazette, appoint a Regulatory Authority for each territorial division created for the purpose;

(2) It shall be the duty of the Regulatory Authority:

(a) to register all births within its territorial jurisdiction;

(b) to maintain a Register of the Street children residing in its territorial jurisdiction, with appropriate classification;

(c) to evolve plans and programmes for approval of the National commission for the purpose envisaged in sub-section (d), (e) and (f) of Section 5;

(d) to evolve guide-lines for approval of appropriate Government for running of institutions and organisations for carrying out various objectives for care and rehabilitation of street children; and

(e) to carry out such other functions as may be prescribed.

Rights of a
child.

7. Every child including the Street children shall have the right to:—

(a) proper means of living, due care, protection and security of life against exploitation including protection against physical and mental violence as may be prescribed;

(b) basic education and training and means for free and fair development of personality including play and entertainment as may be prescribed no child shall be refused admission to an educational institution for want of parentage or other problems of identity;

(c) enjoyment of highest attainable standard of health, nutrition, medicare, treatment for illness and rehabilitation of health, as may be prescribed by rules;

Establishment
of Street Child
Development
Fund.

8. The appropriate Government shall provide for a 'Street Child Development Fund' for implementation of the schemes promoted under this Act.

Power to make
rules.

9. The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS & REASONS

The need for protecting the child from abused and exploitation has been felt for long. The first Declaration of the Rights of the Child was drafted in 1923 and was adopted by the League of Nations in 1924, declaring, that "owes to the child the best it has to give."

1979 was observed as the International year of the Child when the United Nations undertook to draft a treaty binding on all the nations. The UN General Assembly in 1989, unanimously adopted the convention on the Rights of the child. The soul of the convention is set out in four over-arching articles.

1. No discrimination against children.
2. In all matters concerning children, the best interests of the child shall be primary.
3. The right of the child to life, survival and development.
4. The right of the child to express views freely in all matters affecting him or her.

All this concern of humanity for the child is obviously attributable to acceptance of the fact that the child is most vulnerable to abuse and exploitation, especially in the poorer nations, where child labour especially bonded child labour is rampant.

Children's rights became the principle item in all the major UN conferences in 1990's. India acceded to the U.N. Convention on the rights of the child on December, 11, 1992; and the decade 1991—2000 has been observed as the Decade of the Girl Child, with a National Decadal Plan of Action for the Girl Child in recognition of the rights of the girl child to protection from exploitation, assault and physical abuse. The National Policy for children laid down in 1974 itself envisaged that "Children shall be protected against neglect, cruelty and exploitation".

Despite all these policies and programmes and laws like the children Act, since replaced by the Juvenile Justice Act, 1986, and the Child Labour (Prohibition & Regulation) Act, 1986, the child remains the most exploited and abused section of society. Over 20 million children are enslaved in bonded employment 380 million children are kept away from school, malnutrition of children continues unabated taking a heavy toll of the infants, and as per recent UNICEF study over one million children are forced into prostitution every year, majority of them in Asia. Countless children are seen engaged in begging on road crossings and other public-places, most of them under organised gangs.

It is therefore necessary to lay down by law the basic rights of all children, including the street children, the abandoned and neglected children and the bonded children those engaged in begging and children of lesser Gods the children of sex-workers who face the problem of identity of society, and to provide an administrative mechanism for protection and promotion of these rights.

To provide necessary infrastructure to secure to the street children their rights, as per UN convention, and to protect them against exploitation and abuse, it is proposed to create a Regulatory Authority in each territorial division as provided for in clause 6 of the Bill, who would be responsible for registering all births and maintain a register for the street children, to provide for way and means for securing their due rights under the Convention.

The Central Government is expected to evolve a National Policy for the Street Children, in consultation with and with the approval of the National Commission for the Street Children as provided under clause 4. The National Commission would carry out different functions as set out in clause 4 to provide for conditions of living, nutrition, health, education, training and protection against exploitation and abuse of the street children, necessary for development of their personality to its best self.

The Bill thus aims at providing for infrastructure, policy and the law to secure and protect the Rights of the Street children, as per UN convention, adopted by the Government.

Hence this Bill.

DR. KARAN SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the setting up of a National Commission for the street children by the Central Government, which besides Union Ministers and officials shall be comprised of 3 Members of Parliament (2 from Lok Sabha and 1 from Rajya Sabha) and five other Members.

The Bill, if adopted, is estimated to involve an initial expenditure of Rs. 4 crore and recurring expenditure of Rs. 2 crore per annum.

As to the Regulatory Authority as contemplated under clause 6 of the Bill, appropriate officers under respective Panchayat or Municipality could well be assigned with the job by the appropriate Government.

MEMORANDUM FOR DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules necessary to carry out the purposes of the proposed legislation. The rules will relate to matters of details only.

The delegation of Legislative power is of a normal character.

XVII

BILL NO. XXXVII OF 2001

A Bill to provide for the protection of indigenous domestic industries from the onslaught of Multinational Companies adopting unfair trade practices in pricing etc. thereby making the domestic industry sick and ultimately acquiring such sick industry and to put a check on such practices of multinational companies by establishing a National Fair Practices Commission and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-second year of the Republic of India as follows:—

1. (1) This Act may be called the Indigenous Domestic Industries (Protection from Multinational Companies) Act, 2001.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Commission" means the National Fair Practices Commission established under Section 3;

(b) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, as soon as may be, but not later than six months from the commencement of this Act, by notification in the Official Gazette, establish a Commission to be known as the National Fair Practices Commission to exercise the powers conferred upon, and to perform the functions assigned to it under this Act.

Establishment
of Commission.

(2) The Commission shall consist of a Chairperson, Vice Chairperson and five members who shall be appointed by the Central Government in the following manner:—

(a) the Chairperson and the Vice Chairperson shall be appointed from amongst the sitting or former Judges of the Supreme Court or High Courts, as the case may be;

(b) the members shall be appointed from amongst the persons having knowledge and experience in the matters of industry, policy making and administration.

(3) The term of office of the Chairperson, Vice Chairperson and members of the Commission shall be such as may be prescribed.

(4) The headquarters of the Commission shall be at Jaipur in the State of Rajasthan.

Secretariat
of the
Commission.

4. The Central Government shall appoint a Secretary to the Commission and such other staff on such terms and conditions as it deems fit for the efficient functioning of the Commission.

Functions
of the
Commission.

5. The functions of the Commissions shall be to—

(a) inquire or cause an inquiry or investigation to be made on a complaint made by an entrepreneur of an indigenous domestic industry wherein it is alleged that a Multinational Company (hereinafter referred to as MNC) is adopting an unfair practice of lowering the price of its products to such a lower level which may adversely affect the viability of similar indigenous industry leading ultimately to its closure.

(b) ensure healthy competition amongst the domestic industries and MNCs.

(c) tender advice to the Central or State Governments on such matters relating to industries or MNCs, as the case may be, as may be referred to it by the concerned Government.

Powers of the
Commission.

6. The Commission shall, while conducting any inquiry under this Act, have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 and in particular in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath,

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any record of any indigenous industry of MNC as the case may be;

(e) any other matter which may be prescribed.

Proceedings
of the
Commission.

7. (a) The proceedings of the Commission shall be conducted as its headquarters in such manner as may be prescribed.

(b) The Commission shall be deemed to be a Civil Court and every proceedings before the Commission shall be of the nature of a Judicial proceeding.

Reports

8. (1) The Commission shall present its Report on every complaint or bunch of complaints of similar nature to the President containing its recommendations.

(2) On receipt of each report, the President shall cause the same to be laid before each House of Parliament with action taken on such report.

Power to
remove
difficulties

9. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty.

(2) Every order made under this Section shall, as soon as may be, after it is made, be laid before each House of Parliament.

Power to
make rules

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Indian industries are poised to be wiped out by unfair trade practices being adopted by the Multinational Companies. They are taking advantage of their deep pockets rendering Indian Cos. to incur huge losses to drive out of the business. In the aftermath of liberalisation and globalisation of economy competition has increased leading to increase in the number of foreign products available resulting reduction of prices. There are instances in India, where MNCs have put their prices down to make others' business down. If it is analysed, it is nothing but a predatory pricing policy being adopted by these companies to make the Indian industry sick, so that MNCs can buy them. A similar trend in South East Asia was observed last June. With foreign competition really hotting up and engulfing Indian Industry clearly such a Governing Body is required urgently for protecting Indian Cos. from fierce competition with MNCs.

Hence this Bill.

SANTOSH BAGRODIA

FINANCIAL MEMORANDUM

Clause 3 provides for the establishment of a National Fair Practices Commission. Clause 4 provides for the Secretariat of the Commission. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of Rs. two crores may be involved as recurring expenditure per annum.

A sum of Rs. five crores may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made relate to matters of details only, the delegation of legislative power is of a normal character.

XVIII**BILL NO. XXXIX OF 2001**

A Bill to provide for the establishment of a High Court for the State of Tripura.

BE it enacted by Parliament in the Fifty-second year of the Republic of India as follows:—

1. This Act may be called the High Court of Tripura Act, 2001.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appointed date" means the date which, the Central Government may, by notification in the official Gazette, appoint;

(b) "Gauhati High Court" means the existing common High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura.

3. (1) There shall be established a separate High Court for the State of Tripura to be known as the High Court of Tripura consisting of a Chief Justice and, until President appoints a larger number, of not less than three other Judges.

Establishment
of High Court
of Tripura.

(2) The principal seat of the High Court of Tripura shall be at Agartala.

(3) Notwithstanding anything contained in sub-section (2) the Judges and the division courts of the High Court of Tripura may sit at such other place or places in the State of

Tripura other than its principal seat as the Chief Justice may, with the approval of the Governor of Tripura, appoint.

Jurisdiction of High Court of Tripura.

4. On and from the appointed date, the High Court of Tripura shall have, in respect of territory of Tripura, all such jurisdiction, powers and authorities as, under the law in force immediately before the appointed date, are exercisable by the Gauhati High Court.

Abolition of Agartala Bench of Gauhati High Court.

5. (1) On and from the appointed date, the Agartala Bench of Gauhati High Court shall cease to function and is hereby abolished.

(2) Nothing in sub-section (1) shall prejudice or affect the continued operation of any notice served, injunction issued, direction given or proceeding taken before the appointed date by the Agartala bench of Gauhati High Court abolished by that sub-section.

Special Provision Relating to Advocates.

6. (1) Subject to any rule made or any direction given by the High Court of Tripura in this behalf, any person, who immediately before the appointed date, is an advocate entitled to practice in the Gauhati High Court, shall be entitled to practice as an advocate in the High Court of Tripura.

(2) The right of audience in the High Court of Tripura shall be regulated in accordance with the like principle as immediately before the appointed date, are in force with respect to the right of audience in the Gauhati High Court.

Practice and Procedure in High Court of Tripura.

7. Subject to the provisions of this Act, the law in force immediately before the appointed date with respect to practice and procedure in the Gauhati High Court shall, with necessary modifications, apply in relation to the High Court of Tripura.

Form of writ and other process.

8. The law in force immediately before the appointed date with respect to the form of writs and other processes used, issued or awarded by the Gauhati High Court shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Tripura till such law is made and forms are prescribed.

Powers of Judges.

9. The law in force immediately before the appointed date with respect to the powers of the Chief Justice, single Judge and Division Courts of the Gauhati High Court with respect to all matters ancillary to the exercise of those powers shall, with necessary modifications, apply in relation to High Court of Tripura.

Procedure as to appeals to Supreme Court.

10. The law in force immediately before the appointed date relating to appeals to the Supreme Court from the Gauhati High Court and the Judges and division courts thereof shall, with necessary modifications, apply in relation to High Court of Tripura.

Transfer of proceedings from the Gauhati High Court to High Court of Tripura.

11. (1) Notwithstanding anything contained in any other law for the time being in force, all proceedings instituted from State of Tripura and pending in the Gauhati High Court either in the Principal seat or in permanent Bench at Agartala immediately before the appointed date shall, from such date, stand transferred to the High Court of Tripura.

(2) Every proceeding transferred under sub-section (1) shall be disposed of by the High Court of Tripura as if such proceeding was entertained by that High Court.

(3) Any order made before the appointed date by the Gauhati High Court shall have effect as if such effect as if such order is made by the High Court of Tripura.

Interpretation.

12. For the purpose of section 11—

(a) Proceedings shall be deemed to be pending in the court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the cost of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(b) References to High Court shall be construed as including references to a Judge or division court thereof; and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgement or decree passed or made by that Court or Judge.

13. Any person who, immediately before the appointed date, is an advocate entitled to practice in the Gauhati High Court and was authorized to appear or to act in any proceedings transferred from the said High Court to the High Court of Tripura under section 11, shall have the right to appear or to act, as the case may be, in the High Court of Tripura in relation to those proceedings.

Right to appear or act in proceedings to be transferred to the High Court of Tripura.

14. Nothing in this Act shall affect the application to the High Court of Tripura of any provision of the Constitution, and this Act shall have the effect subject to any provision that may be made on or after the appointed date with respect to that High Court by the Tripura Legislative Assembly or other authority having power to make such provisions.

Savings.

15. In sections 28, 29 31, 33 or Part-IV of the North-Eastern Areas (Reorganisation) Act, 1971 the words "and Tripura" wherever they occur shall be deleted.

Amendment of North-Eastern Areas (Reorganisation) Act, 1971.

STATEMENT OF OBJECTS AND REASONS

At present, there is a permanent Bench of the Gauhati High Court at Agartala with the strength of 3 (Three) judges, but very often only one judge remains at Agartala and judges from the principal seat and other outlying Benches of the Gauhati High Court are deputed time to time for holding Division Bench on Circuit.

Though a permanent Bench of the Gauhati High Court has been established in Tripura, the people do not receive the service of a permanent Bench throughout the year. That apart, the means of travel and communication linking Tripura with the principal seat of High Court at Gauhati is inadequate to facilitate swift movement and communication. The people of this State face much hardship in instituting, prosecuting and defending their cases in case of urgency at the principal seat of the High Court at Gauhati. The cost of travel to the principal seat is not within the means of common men. The people of the State suffer from economic and other disability and as such they do not have equal opportunity of securing justice from the apex judicial institution of the State.

Government of India in principal and on justification accepted that establishment of a separate High Court for Tripura is a legal necessity for honouring the aspiration of the people of this frontier State and such commitment deserves to be implemented in proper spirit and perspective.

The Bill seeks to achieve the aforesaid objects.

KHAGEN DAS.

XIX

BILL NO. XLIII OF 2001

A Bill to repeal the Jute Packaging Materials (Compulsory Use in Packing Commodities) Act, 1987.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Jute Packaging Materials (Compulsory Use in Packing Commodities) Repeal Act, 2001. Short title.

2. The Jute Packaging Materials (Compulsory Use in Packing Commodities) Act, 1987 is hereby repealed. Repeal of Act
No. 10 of 1989.

STATEMENT OF OBJECTS AND REASONS

A packaging crisis for essential commodities like Foodgrains, Sugar and Fertilizers looms large. In recent years supply of jute bags has fallen well short of peak demand starting March/April each year. Non-jute packaging cannot be used to cover the gap between demand and the shortfall in supply because of provisions of the Act (JPMA) for compulsory packing in jute. The problem of shortage in packaging is further aggravated by serious irregularities that have been allowed to prevail in the Jute sector behind the protection provided to it by JPMA. These are:

(1) Violation of ILO convention No. 127 to which India is a signatory. While the above ILO convention being implemented in our country States that manual labour should not carry loads in excess of 55 Kgs in order to protect their health and safety, the jute industry supplies 100 Kgs capacity bags for packing sugar and Foodgrains all over the country.

(2) Because of monopolistic mismanagement by a small group of Jute Mill owners who misuse provisions of JPMA for their own benefits, the jute farmer who despite being the targeted beneficiary of JPMA continues to remain in a depressed state earning an annual per capita average income of mere Rs. 2200/-.

(3) Exploitation of workers in the jute industry has reached new heights because of the vested interest of Jute Mill Owners in perpetuating sickness and technological backwardness. Cases of default of PF and ESI payments of these workers are huge and still mounting.

(4) The prevailing scenario of JPMA created demand and deficient domestic production of jute bags has encouraged imports (both Legal and illegal) from Bangladesh in recent times causing a drain on our Foreign Exchange Reserves. It causes JPMA to benefit Bangladeshi jute farmers.

(5) In order to keep their profits high jute bags manufacturers produce Non Food Grade bags to pack edible items for domestic consumption. Cheap Jute Batching oil which is petroleum based and health hazardous is used. For export, the jute industry produces Food Grade Bags using more expensive Rice Brand Oil which is the recommended standard for packaging of all edible items.

Non-Jute packaging like HDPE/PP packaging, which has been found technically suitable by recognized Institutions like IIT Delhi for packaging commodities like Sugar, Foodgrains and Fertilizers among others has exposed serious limitations of JPMA because of the reason that jute packaging emerges twice as expensive in comparison and a national saving of thousands of crores would be effected if, jute packaging gets replaced by HDPE/PP.

Our present Union Minister for Consumer Affairs and Public Distribution has gone on record in a press statement that the mere 10 percent relaxation once allowed but withdrawn before it could be implemented would have resulted in a saving of Rs. 70 crores annually to FCI alone. Subsidies allocated to commodities are getting wasted on very expensive jute packaging.

An additional cost burden is being borne in the case of jute packaging because heavy seepage losses occur.

Additional transportation costs have to be borne in the case of jute packaging because jute bags are produced only in the State of West Bengal.

The lack of economic logic in JPMA was seen in the case of Cement and Fertilizer Industries originally mandated for 100% compulsory packaging. Cement has been totally exempted from JPMA and Fertilizers given the benefit of 80% dilution.

The Government of Andhra Pradesh has realised the overall benefits of substituting jute packaging with plastic Woven Sacks. It did so in the matter of packaging of Rice. But it had to retract because of compulsory jute packaging mandated by JPMA.

A High Powered Committee headed by the then Union Textiles Secretary had recommended withdrawal of JPMA for the good of the jute industry itself in its Report in 1992-93.

Hence this Bill.

VIJAY SINGH YADAV

XX

BILL NO. IX OF 2001

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title.

1. The Act may be called the Constitution (Amendment) Act, 2001.

Amendment of
article 19.

2. In clause (1) of article 19 of the Constitution, after sub-clause (g), the following shall be inserted, namely:—

“(h) every citizen shall have the right to work for earning his livelihood and the State shall provide adequate facilities for such employment including self-employment commensurate with the particular citizen’s ability, attainment and other related circumstances.”

Substitution of
new article for
article 24.

3. For article 24 of the Constitution, the following article shall be substituted, namely:—

Prohibition of employment of children in factories etc. and provision for free and compulsory education for children

"24 (1) No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

(2) Every child shall be provided free and compulsory education until completion of the age of fourteen years."

4. In Article 243G, after clause (b) the following clauses shall be inserted, namely:—

"(c) the setting up of a fund under the control of the panchayat out of which viable schemes as may be approved by the panchayat to provide work and employment including self-employment as generated under provisions of sub-clause (h) of clause (1) of article 19.

(d) Every panchayat shall have a branch of the Gramin Bank and the Fund set up under clause (c) shall be handled by such branch. The Finance Commission constituted under article 243-I shall assess and quantify the size of the fund, the amount of contribution to be made by the State and the Gram Panchayat and upon quantification of the amount, the State and the Panchayat shall credit the fund with the requisite amounts by end of June every year.

(e) The panchayat shall encourage formation of small cooperatives with a view to providing work to citizens living within its jurisdiction.

(f) Every Gram Panchayat shall have small scale industries as may be approved by the State Government to be located and made functional within six months from the date of enactment to provide working opportunities to the citizens living in the Panchayat.

5. The State legislatures shall enact appropriate legislation to give effect to this Act.

STATEMENT OF OBJECTS AND REASONS

The resolution of the people of India to constitute India into a Sovereign Socialist Secular Democratic Republic securing to all its citizens Justice, Liberty and Equality along with promotion of fraternity assuring the dignity of the individual and the unity and integrity of the Nation, made half a century back, has not yet materialised. The Indian polity has not been able to secure a social order for the promotion of welfare of the people. Inequality in status, facilities and opportunities not only amongst individuals but also amongst groups of people prevails as before the right to work has not been secured to the citizens and public assistance has not yet been provided in cases of unemployment, old age or sickness. The State has not been able to provide a living wage to the working folk.

The State has failed to promote to any significant extent the educational and economic interest of the weaker sections of the people, and in particular, of the scheduled castes, the scheduled tribes and the backward classes to bring them into common national stream and as a result of this failure, the divide remains and the nation has not forged ahead as envisaged in the Preamble.

The Bill seeks to amend some provisions of the Constitution for rectifying these deficiencies and bring about the desired changes without any further delay.

RANGANATH MISRA

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to set up a fund for supporting implementation of the fundamental right to work may involve monetary contribution, the extent of which would be determined by the State Law to be made.

XXI

BILL NO. XVI OF 2001

A Bill to provide for the protection and welfare of craftsmen and artisans in the country and for matters connected therewith.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Welfare of the Craftsmen and Artisans Act, 2001.
- (2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Board” means the Welfare Board Constituted under section 3;

(b) “craftsmen and artisans” means the persons whether male or female engaged in craft of weaving, kalamkari, banjara embroidery, wood work, brass and bell metal, shawls, wood carving, mat weaving, cane and bamboo textiles and leather work.

Constitution of Board.

3. (1) There shall be constituted a Welfare Board to protect the interests and welfare of all craftsmen and artisans in the country.

(2) The Government shall appoint Chairman and such other number of members of the Board from among the members of the craftsmen and artisans in the country as may be prescribed.

4. The Board shall,—Functions of
the Board.

(a) provide protection, help and assistance to artisans and craftsmen for development of the art;

(b) make efforts to organise the artisans and craftsmen engaged in different patterns of art under one forum;

(c) provide loans and financial assistance on such terms and conditions which may be prescribed by the Board; and

(d) make such other provisions for better service, conditions and other necessities of the life.

5. The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

Overriding
effect of the
rules.

6. The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

There is nearly 48.22 lakh population of handicrafts and artisans living in different parts of the country. All these craftsmen and artisans are living in the different States with different pattern of crafts. These craftsmen and artisans have not been fully looked after and no new technology has been provided to them. They live and die poorly and have no means to look after them when they become old and are not capable of working any more. These handicrafts industry besides providing direct and indirect employment to nearly 76 lakhs people have played important role in the process of dissemination of social and economic power in rural areas. The handicrafts artisans of India have become well-known in the world for their perfection. The exports of handicrafts have shown great strength as well as promise. Our carpet industry is one of the leading industry in the world. Various groups such as artisans, exporters, designers, importers and craft lovers have brought this country pride. Therefore, it is necessary that the Government should promote and look after the welfare of the craftsmen weavers and artisans properly and make Provisions for betterment their conditions of service.

Hence this Bill.

RUMANDLA RAMACHANDRAIAH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the Constitution of a Welfare Board to protect the interests and welfare of all craftsmen and artisans in the country. Clause 4 provides for the appointment of Chairman and members of the Board and to render such financial assistance as may be necessary to the needy artisans and craftsmen. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees Four Hundred Crores may involve as recurring expenditure per annum.

A sum of rupees two crores is also likely to be involved as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

XXII

BILL NO. XVII OF 2001

A Bill to provide for population control measures and for promoting small family norms and for matters connected therewith.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Population Control Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless context otherwise requires, "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government.

Central
Government to
promote two
child norm.

3. The appropriate Government shall make efforts to encourage and motivate every family to adopt two child norm.

Facilities for
those having
one child.

4. A married couple who have no child shall be provided with the facilities of free medical treatment, food, pension, free house, etc. in their old age.

Facilities for
those having
one child

5. A married couple who have only one child shall be provided with the facilities of free education and employment to such child.

Provision for
employment
for the
children

6. A married couple who have only two children shall be provided with suitable jobs to their children in Government, Public Sector, Autonomous Body and local authority etc.

7. The provision of this Act shall have effect notwithstanding anything contained to the contrary in any other law for the time being in force.

Overriding
effects of the
Act.

8. The appropriate Government may by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

For the last 50 years Population of India has just doubled and the steps taken to curb phenomenal growth of population so far have not yielded any concrete results.

Due to over population all major achievements in different fields have lost their significance and the country is not progressing at the desired pace, therefore, the time has come when some measures have become essential and if such measures are not taken at the earliest the rapidly rising population will engulf the entire prospects of development of the country in a time to come.

Therefore, the Bill seeks to provide incentives to those who adopt family planning methods.

Hence this Bill.

RUMANDLA RAMACHANDRAIAH

FINANCIAL MEMORANDUM

Clauses 4 to 6 of the Bill provides that certain benefits are to be given to those who have no child or who have only child or who have two children. The Central Government shall have to incur some expenditure for implementing the provisions of this Bill in respect of their respective Consolidated Funds. The Bill, therefore, will involve an annual recurring expenditure of about rupees one hundred crore out of the Consolidated Fund of India.

A non-recurring expenditure of about rupees five lakhs is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to frame the rules for carrying out the purposes of the Bill. As the rules to be framed will relate to matters of detail only, delegation of legislative power is of a normal character.

XXIII

BILL NO. XLIV OF 2001

A Bill to provide for free and compulsory primary, middle and senior secondary education for girls of families living below poverty line throughout the country and for matters connected therewith.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the free and compulsory education to girls belonging to families living below poverty line Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) “education” means education upto senior secondary class in a school;

(c) “family living below poverty line” means family whose income is below rupees three thousand per month;

(d) “girl” means any female human being who is below the age of twenty five years;

(e) “prescribed” means prescribed by rules made under this Act;

(f) "school" includes every educational institution imparting primary education or higher education to the children.

3. Notwithstanding anything contained in any other law for the time being in force it shall be the duty of the appropriate Government to provide every girl of a family living below poverty line residing in its territorial jurisdiction,—

Free and Compulsory Education and other facilities to Girls.

(a) free and compulsory primary, middle and higher secondary education;

(b) stationery helpful to her studies such as books, note-books, writing materials etc. free of cost;

(c) School uniform, free of cost;

(d) free hostel facilities and meals during the school period upto senior secondary class;

(e) Provide a financial assistance of rupees one hundred per month upto primary level, rupees two hundred upto middle level and rupees five hundred per month upto senior secondary level.

4. It shall be the duty of the appropriate Government to establish and maintain or cause to be established or maintained such primary, middle and senior secondary schools within its territorial jurisdiction as the appropriate Government may deem necessary so as to provide compulsory education upto higher secondary to every girl belonging to families living below poverty line residing in such jurisdiction.

Appropriate Government to provide requisite number of schools.

5. Notwithstanding any custom, usage or belief every parent shall admit his girl child on completion of five years of age to a school and shall not restrain the girl from attending the school.

Parents to admit their child to school on completion of five years.

6. No parent or person shall engage a girl child in household chores or employ a girl child in a manner which shall prevent her from attending a school.

Girls not to be engaged in household chores.

7. If any parent of a girl, for any reasons, prevents, restrains or otherwise obstructs his girl child from receiving primary, middle and higher secondary education in a school, such a parent shall be liable to simple imprisonment which may extend to one year.

Penalty.

8. The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

It is necessary that girls belonging to the below poverty line should be provided higher secondary education to make them self-supporting so that they can lead a respectable life in society. The people living below poverty line force the girl child to help in household affairs as the parents cannot afford to spend money on her education, providing books, uniform and other school expenses. There is a common feeling that a girl child does not remain useful for parents after marriage. In poor families, specially higher education becomes a taboo for girls as they face difficulty in finding suitable match. Even after 50 years of Independence, the attitude of parents have not changed. In the whole world, girls have become brilliant in all aspects of life and have successfully earned their name in the field of sports, have become pilots, doctors, advocates and judges. In fact, at present, all the girls have brought pride to their nations in all the fields. Therefore, in India also it is must that beginning should be made for providing compulsory higher secondary education to the girls belonging to the families of below poverty line.

Hence this Bill.

RUMANDLA RAMACHANDRAIAH

FINANCIAL MEMORANDUM

Clauses 3(e) and 4 of the Bill provide that appropriate Government shall provide Rs. 100 per month upto Primary level, Rs. 200 per month upto Middle level and Rs. 500 per month upto Higher Secondary level to each girl child and establish requisite number of higher secondary schools within its jurisdiction respectively. The Bill if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is likely to involve a sum of rupees five thousand crores from the Consolidated Fund of India per annum as recurring expenditure.

It is also likely to involve a sum of rupees eight hundred crores from the Consolidated Fund of India as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

R. C. TRIPATHI,

Secretary-General.

